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PTO/SB/81 (08-08)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 62620A US
First Named Inventor.	Aloksander J. Pyzik	
Art Unit:	N/A	
Application Number.	10/551,727	Examiner:
Filed:	October 3, 2005	
Title:	COMPOSITION FOR MAKING METAL MATRIX COMPOSITES	
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.</p> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>510.00</u> (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Reply to Notice of Missing Requirements</u> (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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PTO/SB/61 (08-08)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

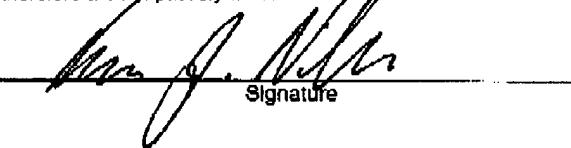
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


SignatureOct. 30, 2008
DateKevin J. Nilsen
Typed or printed name

41,510

Registration Number, if applicable

THE DOW CHEMICAL CO.
2030 Dow Center
Midland, Michigan 48674

Address

(248) 391-6321

Telephone Number

Enclosure

Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay
Declaration of the Inventors; Copy of Transmittal Sheet; and
screen shot of Docket Events screen.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Oct. 30, 2008

Date

Nilsen, Kevin J.

Typed or printed name

41,510

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

On September 23, 2008, we (The Dow Chemical Company "Dow", assignee of record) received a Notice of Abandonment for patent application number 10/551,727 (Atty Docket No. 62620A) for failure to respond to a Notification of Missing Requirements that the U.S. patent office mailed on January 22, 2008 as per a copy subsequently obtained by Dow after receiving the Notice of Abandonment.

Upon receipt of the Notice of Abandonment an investigation was done by Dow's Leader of IP Business Services (Laura Reinbold) to determine the cause of the missing response to the Notice of Missing Requirements. In the investigation, there was no record of receipt of the Notice of Missing Requirements, until the receipt of the copy on October 08, 2008, which was then input into the docketing system as shown in the attached sheet (showing the input date October 9, 2008 and due date March 22, 2008). The procedure for incoming mail from the USPTO and computer docketing of events (e.g., dates and type of response required,) is that such mail directed to Dow's PO box is handled as follows:

1. Received by Dow and delivered to the IP File Room.
2. File Room Mail Clerk opens/date stamps document.
3. Document is delivered to Docketing.
4. Document is docketed, initialed and dated by Docketing Paralegal.
5. If urgent, a copy of the document is e-mailed to attorney/support staff.
6. Document is returned to File Room.
7. File Room Clerk or co-op staff scan and upload document into Dow's Intellectual Property Management System.
8. Document is shipped to attorney location.

The attorney upon receipt of the correspondence or periodic running of dockets (~monthly) by his or her administrative staff responds to any U.S. patent office correspondence. Since in this case, Dow has no record of receipt of the Notice of Missing Requirements and as such it was neither entered into the docketing system nor received by the responsible attorney, the delay to respond was unavoidable.

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